



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,502	09/01/1999	DAVID WILKINS	032931-0215	2655

7590

12/19/2003

FOLEY AND LARDNER
3000 K STREET NW SUITE 500
P O BOX 25696
WASHINGTON, DC 200078696

EXAMINER

BAUTISTA, XIOMARA L

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 12/19/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

SL

Office Action Summary	Application No.	Applicant(s)	
	09/387,502	WILKINS, DAVID	
	Examiner	Art Unit	
	X L Bautista	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/17/03 have been fully considered but they are not persuasive.

A. Applicant argues that "the features recited in pending independent claims do not rasterize the graphics pages before transmission to the graphic engine...in sharp contrast to Gill, each of these claims recite generating and transmitting a sequence of commands to a graphics engine...the multi-media authoring tool A of Gill automatically creates different representations for exporting multi-media presentations that are created by the author as a function of the characteristics of the destination storage/presentation medium. These exported multi-media presentations are non-editable files, which are used by the user activating a viewer V to manage and view the multi-media presentation and do not correspond to the recited output of a set of commands to a graphics engine." (page 11, lines 23-30; page 12, lines 1-3).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., claims do not rasterize the graphics pages before transmission to the graphic engine) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not

Art Unit: 2173

read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Gill provides a processing unit for generating a set of commands based on a representation of a graphics page that is executable by a graphics engine to create an on air graphics page in a broadcast system (col. 5, lines 8-31, 52-67; col. 6, lines 1-15, 23-30; col. 9, lines 57-67; col. 10, lines 1-50; col. 12, lines 14-22; fig. 2). Gill teaches editable files (abstract; col. 3, lines 40-46; col. 6, lines 23-44; col. 7, lines 41-61; col. 9, lines 60-65; col. 10, lines 54-67; col. 11, lines 11-61).

B. Applicant argues that “each of the independent claims recite that the transmitted set of commands are executed by the graphics engine to create an on-air graphics page for display in a broadcast system...Gill teaches that the multimedia presentations contain rasterized data that are presented by the viewer and...therefore Gill does not teach or suggest the claimed graphics engine that creates an on air graphics page for display based on a received set of commands...” (page 12, lines 4-9).

In response, see response to argument A. Gill discloses creation of a, on air graphics page (col. 5, lines 8-31, 52-67; col. 6, lines 1-15, 23-30; col. 9, lines 57-67; col. 10, lines 1-50; col. 12, lines 14-22; fig. 2)

C. Applicant argues that “Gill does not teach or suggest controlling a graphics engine by providing a sequence of command to be executed by the graphics engine to create a graphics page for display. In fact, Gill exports a non-editable file

Art Unit: 2173

containing rasterized data...Gill's system has the disadvantage that it requires a specific viewer process in order to view or interact with the presentation, clearly such a viewer process would be impractical if not unusable in a television production and broadcast environment." (page 12, lines 10-16).

In response, see response to argument A. Gill discloses controlling a graphics engine by providing commands (col. 11, lines 48-61; col. 12, lines 14-22).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. **Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by *Gill et al* (US 6,081,262).**

Claims 1, 11, 18, 26, 28-31, and 33-35:

Gill discloses a multi-media presentation generation system that combines media objects of multiple diverse types into an integrated multi-media presentation. The multi-media presentation generation system uses a page based document layout paradigm to regulate the spatial relationships among the plurality of objects contained within the multi-media presentation. A multi-media authoring tool extends the capabilities of the page based document layout system to enable an author to merge both static and dynamic objects in a page layout environment to create the multi-media presentation (abstract; col. 1, lines 7-11, 25-27, 30-32; col. 2, lines 3-9; col. 3, lines 10-14, 21-24, 40-44, 49-52, 56-65; col. 4, lines 12-20, 22-26, 31-37). Gill illustrates in figure 1 a menu driven multi-media presentation generation system MPG executing on a processor P, which accesses data from any of a multitude of media sources S1-S6, which data is in any of a multitude of formats and contents for integration into an adaptable product which represents the multi-media presentation. The basic architecture of the multi-media presentation generation system is a multi-media authoring tool which operates in conjunction with a page based document layout system to extend the menu based, static object manipulation capability of the page based document layout system to encompass dynamic multi-media objects. Gill teaches that video information is obtained from a plurality of external sources including data communication connections to broadcast media, such as Internet or broadcast television, live

Art Unit: 2173

feeds, etc., (col. 5, lines 8-31, 52-61, 65-67; col. 6, lines 1-15, 23-30). Figure 2 illustrates a multi-media page layout that is created using the multi-media presentation generation system MPG. Multiple objects are placed on a page, with these objects having different characteristics (col. 9, lines 57-67; col. 10, lines 1-50). Gill teaches that when the user of the multi-media presentation generation system MPG selects the Keys Panel of the palette and specifies a key command, the key and script data is transmitted from the multi-media authoring tool A to the page based document layout system Q, where the keys definition data is stored inside the corresponding master page. The multi-media authoring tool A retrieves this stored keys definition data for display and editing by the user (col. 12, lines 14-22).

Claims 2, 12, and 19:

See claim 1. Gill teaches a television broadcast system (col. 5, lines 65-67; col. 6, lines 1-15; col. 14, lines 20-28; col. 17, lines 10-63; col. 22, lines 34-38).

Claims 3, 13, and 20:

See claim 1. Gill teaches an Internet broadcast system (col. 5, lines 65-67; col. 6, lines 1-15; col. 14, lines 20-28; col. 17, lines 10-63; col. 22, lines 34-38).

Claims 4 and 21:

See claim 1. Gill teaches a graphical user interface (col. 9, lines 57-67; col. 10, lines 1-50).

Art Unit: 2173

Claims 5 and 25:

See claim 1. Gill teaches that the interface receives data source indicator elements from the user, this data being associated to an information unit source allowing to establish an association between an information unit source and the data field component (col. 5, lines 8-18, 41-45, 65-67; col. 6, lines 1-11; col. 9, lines 48-54).

Claims 6, 14, and 22:

See claim 1. Gill teaches a template data element having data field components suitable for receiving an information unit (col. 9, lines 27-54; col. 10, lines 1-42, 64-67; col. 11, lines 1-67; col. 12, lines 1-43).

Claims 7 and 8:

See claim 1. Gill teaches a data field component such as a text box and an image box (col. 3, lines 10-14, 21-24, 40-44, 49-52, 56-65; col. 6, lines 23-30).

Claims 9, 15, 23, 32, and 36:

See claim 1. Gill teaches an information unit source that is selected from the set consisting of live data feeds, databases and web pages (col. 5, lines 65-67; col. 6, lines 1-20).

Claims 10, 16, 24, and 27:

See claim 1. Gill teaches a processing unit having a command generator script adapted to translate the template data element into a set of commands (col. 11, lines 9-67; col. 1-25).

Art Unit: 2173

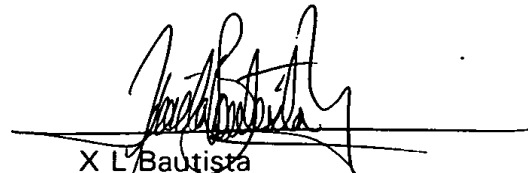
Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on M-Th (8:00-18:00) Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



X L Bautista
Patent Examiner
Art Unit 2173

xlb
December 11, 2003